



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

Thomas S. Burack, Commissioner



January 18, 2007

The Honorable James G. Phinizy, Chairman  
Environment and Agriculture Committee  
Legislative Office Building, Room 303  
Concord, New Hampshire 03301

**RE: HB 76-FN Creating an Environmental Policy for New Hampshire**

Dear Chairman Phinizy and Members of the Committee:

Thank you for the opportunity to testify on HB 76-FN, which proposes to amend RSA 9-B by adding language to establish an environmental policy for New Hampshire and to require an environmental impact evaluation for state actions that may significantly affect the environment. The Department of Environmental Services (DES) supports the concept of a state environmental policy statement, but has concerns with how HB 76-FN could actually be implemented in practice.

The bill provides a new section, RSA 9-B:8, that broadly defines "actions which may significantly affect the environment" that would trigger the proposed environmental review procedure. Proposed sections RSA 9-B:9, II and RSA 9-B:9-III would require that, for activities covered by HB 76-FN, agencies prepare an "environmental impact evaluation", conduct an "early scoping review process", and "provide a written evaluation of its environmental impact before deciding whether to undertake or approve such action."

Under the proposed language, we believe that many DES contracts, grants and permitting decisions would constitute "individual activities or a sequence of planned activities proposed to be undertaken...or funded in whole or in part by the state, which could have a major impact on the state's land, water, air...or other environmental resources". DES issues over \$50,000,000 in grants and loans and makes over 21,000 permitting decisions a year across a wide range of programs. It is unclear where the line would actually be drawn in practice as to the project size for "activities that could (emphasis added) have a major impact on the state's land water, air... or other environmental resources" which would trigger the proposed new process. Virtually every funding or permitting decision made by DES affects the environment in a manner that is significant to someone.

For DES grant and permitting programs, enactment of HB 76-FN in its current form would create an enormous workload that the agency does not have the staff to address. The Department of Environmental Services respectfully suggests that an environmental policy act with a more limited scope would be a more practical and cost-effective way to approach a process for a state-level evaluation of project-specific environmental impacts. DES would be interested in working with members of the

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Environment and Agriculture Committee and the sponsors of HB 76-FN to craft alternative language to address these concerns.

Thank you for your consideration and, if you have any questions, please contact me or Assistant Commissioner Michael Walls at 271-3449.

Sincerely,

*for Michael Walls, Asst. Comm.*  
Thomas S. Burack  
Commissioner

cc: Senator Hassan  
Representative Ryan  
Representative Chase  
Representative Merrick  
Representative McKenna  
Alice Chamberlin, Office of the Governor